



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

KWOK et al.

Atty. Ref.: 4398-201; Confirmation No. 9777

Appl. No. 10/004,428

TC/A.U. 3743

Filed: December 6, 2001

Examiner: Aaron J. Lewis

For: NASAL MASK CUSHION ASSEMBLY

* * * * *

April 20, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

APR 23 2004

TECHNOLOGY CENTER R3700

Sir:

RESPONSE UNDER 37 CFR 1.116

In reply to the Official Action dated January 20, 2004, submitted herewith is a Terminal Disclaimer to obviate the obviousness-type double patenting rejection applied against claims 24-31 of the present application. In particular, claims 24, 25, 28 and 29 were rejected under obviousness-type double patenting over claims 49-68 and 84-104 of U.S. Patent No. 6,634,358 (the '358 patent).

Further, claims 26 and 30 were rejected under obviousness-type double patenting over claim 18 of U.S. Patent No. 6,112,746 (the '746 patent). Claims 27 and 31 were rejected under obviousness-type double patenting over claim 1 of the '746 patent.

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The Terminal Disclaimer specifically makes reference to both the '358 patent and the '746 patent. The filing of the attached Terminal Disclaimer is not an admission of the proprietary of the rejection, per MPEP 804.02.

As there are no other issues remaining in this application, Applicants respectfully submit that all the claims are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



Paul T. Bowen
Reg. No. 38,009

PTB:jck
Attachment:
Terminal Disclaimer

1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

61
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KWOK et al.

Serial No. 10/004,428

Filed: December 6, 2001

Title: NASAL MASK CUSHION ASSEMBLY

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Atty Dkt. 4398-201

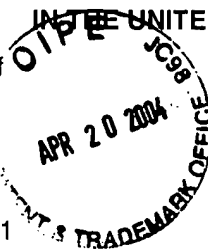
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AF#
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TECHNOLOGY CENTER R3700

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.**

Fees are attached as calculated below:

Total effective claims after amendment 8 minus highest number
previously paid for 20 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 8 minus highest number
previously paid for 8 (at least 3) = 0 x \$ 86.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$290.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s) (\$110.00/1 month; \$420.00/2 months; \$950.00/3 months) \$ 0.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 110.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$770.00) \$ 0.00

☐ Please enter the previously unentered , filed

☐ Submission attached

Subtotal \$ 110.00

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 40.00

Other: 0.00

TOTAL FEE ENCLOSED \$ 150.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8th Floor
Arlington, Virginia 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100
PTB:jck

NIXON & VANDERHYE P.C.
By Atty: Paul T. Bowen, Reg. No. 38,009

Signature: 